



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,558	01/12/2004	Robert E. Johnson	JVISUAL-0003	8210

23599 7590 06/09/2005

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

EXAMINER

LE, MARK T

ART UNIT PAPER NUMBER

3617

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/754,558	JOHNSON, ROBERT E.	
	Examiner	Art Unit	
	Mark T. Le	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 and 23 is/are rejected.
- 7) ☒ Claim(s) 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-18, drawn to a small driverless passenger vehicle, classified in class 105.
 - II. Claims 19-23, drawn to a method of operating a transit system, classified in class 104.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because for example, claim 19, drawn to the combination - a transit system, does not require the particulars of the small vehicle recited in e.g. subcombination claim 1. The subcombination has separate utility such as in an environment that does not have stations of claims 19-23.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Moses on May 23, 2005 a provisional election was made with traverse to prosecute the invention of Group II, claims 19-23.

Art Unit: 3617

Claims 1-18 have been withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

5. In claim 20, line 2, "shared service area" should be changed to -- shared service location-- so as to be consistent with the same recited in the preceding part in claim 19.

In claim 22, line 5, "the private service area" and "the shared service area" should be changed to -- the private service location -- and -- the shared service location -- so as to be consistent with the same recited in the preceding part in claim 19.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over James (US 6,810,817).

James discloses a transit system similar to that recited in the instant claim, including a fleet of passenger vehicles for traveling between stations; wherein, the fleet of vehicles comprises single user transit vehicles to accommodate passengers who prefers not sharing rides, and four person transit vehicles to accommodate passengers who are willing to share rides. It is noted that James does not describe how the passengers are queued at the stations.

Regarding the instant claimed queuing single users and sharing users at different locations, as recited in instant claim 19, note that the concept of queuing peoples in

Art Unit: 3617

different locations for different services is well known (Official Notice is taken). Note for example, in department stores, there are separate lines at different locations for checkouts, general customer services, and refund services; and at airport terminals, there are separate queuing lines or waiting areas for departing passengers who are waiting for taxi, shuttle bus, or limousine services. Accordingly, it would have been obvious to one skilled in the art provide separate waiting areas or lines for the different services provided by the transit system of James, i.e. a waiting area or line for passengers who prefer not sharing rides, and a different waiting area or line for passengers who are willing to share rides, so as to effectively handle passengers requiring different services.

As to the instant claimed method steps, note that the operation of the system of James, as modified, inherently requires the method steps recited in the instant method claim.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over James (US 6,810,817) in view of Tauzin (US 4,149,471).

James is applied above.

Regarding the instant claimed seat arrangement, recited in claim 23, consider the seat arrangement of Tauzin; wherein, there is a pair of two-seat benches 5,6 disposed back to back, each of which has two seat stations, and the total of four seat stations of the two benches are readable as facing in alternate directions as broadly recited in the instant claim. In view of Tauzin, it would have been obvious to one skilled in the art to

Art Unit: 3617

provide in the share vehicles of James with a seat arrangement, similar to that taught by Tauzin, so as to achieve objectives expected from the seat arrangement of Tauzin.

9. Claims 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should further consider the structures of Park, Jensen, Li, Mowll, Owen, and Malewicki.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le
Primary Examiner
Art Unit 3617

mle
6/1/05